

Public (1896) Department.

ORDINARY MS.

G.O., No. 193

Dated 6 Feb. 1896.

[Despatch Abstract.]

ITEM TO BE WRITTEN OFF.

Sanctioning the Surgeon-General's proposals to write off the sum of Rs. 100-13-3 overdrawn by Mr. J. E. Russell, late Head Steward of the General Hospital, Madras.

Pubgo 19386-2-96

Public (1896) DEPARTMENT.

From

SURGN.-MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
Madras,

No. 134

ENCLOSURE.

Dated 15 February 1896.
Received

No.

SUBJECT.

Requesting early orders on the
question of the amount due
by the late Mr. Russell, the
Head Steward of the General
Hospital, being written off.

No. 6

Encl.

From

SURGEON-MAJOR-GENERAL F. SIBTHORPE, F.R.C.P.I.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

To

THE HONOURABLE THE CHIEF SECRETARY TO GOVERNMENT,

Public DEPARTMENT.

SIR,

I have the honour to request the orders of
Government on the following case:-

2. Mr. J. E. Russell, late Head Steward of
the General Hospital, Madras, was granted
three months' privilege leave in November 1894.

He returned to duty on its expiration on the
26th February 1895. As the state of his health
at the time was very unsatisfactory he was
compelled to go on sick leave for 6 months from
the 1st March 1895.

3. As this was clearly a case of formal joining
from privilege leave with the intention of taking
other leave, which is not permissible under
note 1 to article 891, Civil Service Regulations,
the three months' privilege leave granted him
in November 1894 was, at the instance of the
Accountant-General, commuted into sick
leave.

4. As Mr. Russell had drawn full pay for the three months he was on privilege leave, the amount (Rs 322-3-0) overdrawn by him under the subsequent order was, ~~in~~ accordance with the Accountant General's instructions, being deducted in monthly instalments of Rs: 35.

5. Mr. Russell, however, died while on leave and at the time of his death Rs 100-13-3 still remained to be recovered from him. The Accountant-General having suggested that it should be recovered from his estate, the Senior Medical Officer, General Hospital, wrote to the widow on the subject, who replied through her solicitor that her husband died intestate and left no estate and effects whatever. She therefore refused to accept ^{any responsibility or} any money due by her husband and that the security (Rs: 5000) she gave to enable her husband to obtain the appointment was her own personal property over which her late husband had no power and control. She further stated that the deposit was solely given in respect of her husband's discharge of his duties as Steward, that no part of it could be deducted, as no charge had been made against him ⁱⁿ respect of his discharge of his duties and that if the Deposit receipt was not returned at once, she would claim interest on the amount thereof.

6. Before, however, addressing Government on

the subject I referred the correspondence to the Government Solicitor for his advice and subjoin an extract from his reply.

"Under the above circumstances I do not see how Government can have any claim on Mr. Russell's deposit, for it is not suggested that the deposit receipt was held by Government as security for anything beyond the due discharge by Mr. Russell of the duties of his office and unless it can be proved that the deposit receipt was held by Government as security for any moneys payable by Mr. Russell to Government on any account, so as to include the overpayments made to him on account of salary, as to which there is absolutely no evidence, I am of opinion that Government has no right to retain the security."

7. Under the above circumstances I request that Government will be pleased to sanction the balance (Rs 100-13-3) still due by Mr. Russell being written off.

W. H. Thomas
Medical Officer

6/1/19

St. of Madras

Public (1896) DEPARTMENT.

From

SURGN.-MAJOR-GEN. C. SIBTHORPE, F.R.C.P.I.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

To

The Honble the Chief Secy.
to Govt., Public Department

No. 6

ENCLOSURES.

Dated 14th January 1896.
Received 24th

No.

Subject.

Requesting that Govt. will
be pleased to sanction the balance
(Rs 100-13-3) of the amount over
drawn by the late Head Steward
Mr. J. E. Bussell (now deceased)
still due may be written off

Sp. No 193 d/b 24th 96
The proposal to write off
the sum of Rs 100-13-3 (Rupees
one hundred annas thirteen
pices three) is approved.
from order 1

25/1/96

The Secy. Genl.
The Secy. Genl.

J.S.B.

4/2/96



Public DEPARTMENT

C. No.

308

FOR ORDERS.

It is submitted that
in the circumstances
reported the amount
may be written off.

Please see 297(1) C.S.R.

I do not see what Art. 297(1) C.S.R.

J.S.B.
has to do with this case.
It is however clear one has
to write off. 28
29/1/96.

14/1/96

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No. _____ DATED _____
189

FOR ORDERS.

CURRENT No. _____

~~H. E. THE GOVERNOR.~~

~~THE HON'BLE MR. H. W. BLISS, C.I.E.~~

~~THE HON'BLE MR. J. GROSE.~~

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

B.-
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.